

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAYLA MARIE RACINE,

Defendant.

CR-15-51-GF-BMM

ORDER

Defendant Kayla Marie Racine has moved for early termination of her current term of supervised release. (Doc. 44). The Government does not oppose the motion. *Id.* at 2. Ms. Racine's probation officer confirms that Ms. Racine has complied with her supervision conditions. *Id.* The Court conducted a hearing on the motion on May 29, 2019. For the reasons below, the Court will grant Ms. Racine's motion.

Ms. Racine was indicted on September 3, 2015. The Indictment charged her with Assault Resulting in Serious Bodily Injury in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6) (Count I) and Assault with a Dangerous Weapon 18 U.S.C. §§ 1153(a) and 113(a)(3) (Count II). (Doc. 1). Ms. Racine pled guilty to the charges in Count I of the Indictment on October 27, 2015. (Doc. 26). Ms. Racine was sentenced to thirty-three months imprisonment followed by two years of supervised release. (Docs. 32, 34).

Ms. Racine has completed roughly 63% of her term of supervision imposed. Ms. Racine's supervision will expire February 13, 2020. (Doc. 45 at 2). United States Probation Officer Annie Bambenek advised that Ms. Racine had a violation early in her supervision and a Petition was filed regarding that violation. (Doc. 36). Judge Johnston held the sentencing on her first and only violation in abeyance to allow Ms. Racine the opportunity to get into treatment and address her alcohol use. (Doc. 39). Ms. Racine started the treatment and has been compliant since. (Doc. 45 at 2). Ms. Racine completed that treatment in April of this year. *Id.* Ms. Racine has consistently held employment up until she started college courses in the fall of 2018. *Id.* She is currently a student at MSU Great Falls and hopes to become a licensed addiction counselor. *Id.* She would like to pursue further college in Polson, Montana. *Id.*

Federal law authorizes a defendant to move for termination of her supervised release after successfully completing one year if the Court is satisfied that such action remains "warranted by the conduct of the defendant and the interests of justice." 18 U.S.C. § 3564(c). The Court must consider the factors in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of supervised release.

The record reflects that Ms. Racine has complied with her supervision conditions. Ms. Racine has demonstrated she is able to conform her conduct to the

law. Ms. Racine has changed her lifestyle to address the Court's obligations. Ms. Racine does not pose a threat to the community. The factors in 18 U.S.C. § 3553 support an early termination of supervised release.

ORDER

Accordingly, **IT IS ORDERED** that Ms. Racine's Motion for Early Termination of Supervised Release (Doc. 44) is **GRANTED**.

DATED this 29th day of May, 2019.



Brian Morris
United States District Court Judge